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JUSTICE NEWS & HOMELESS BLUES IN THE BAY AREA

Chilling Crackdown on the Santa Cruz 11

Santa Cruz activists face felony charges for a peaceful occupation of a vacant bank building. Is this a new strategy to crush political dissent?

by Robert Norse

On August 20 in Santa Cruz, seven defendants with seven separate lawyers will go before Judge Paul Burdick, charged with two felonies and two misdemeanors each. The seven and four others call themselves the Santa Cruz 11 — three women and eight men.

They are charged with a three-day occupation of a long-vacant Wells Fargo-leased bank last winter which attempted to turn a building that had been vacant for three years into a community center and possible homeless refuge.

This was a nonviolent demonstration and occupation to show the community what the building could be used for, as well as a focus on the abuses of the multi-billion-dollar bailout bankster Wells Fargo, the leaseholder, whose business was just across the street.

The building, leased to Wells Fargo Bank, remains empty, supposedly available for rental at $28,720 per month. It and three other banks within a four-block radius are now empty structures.

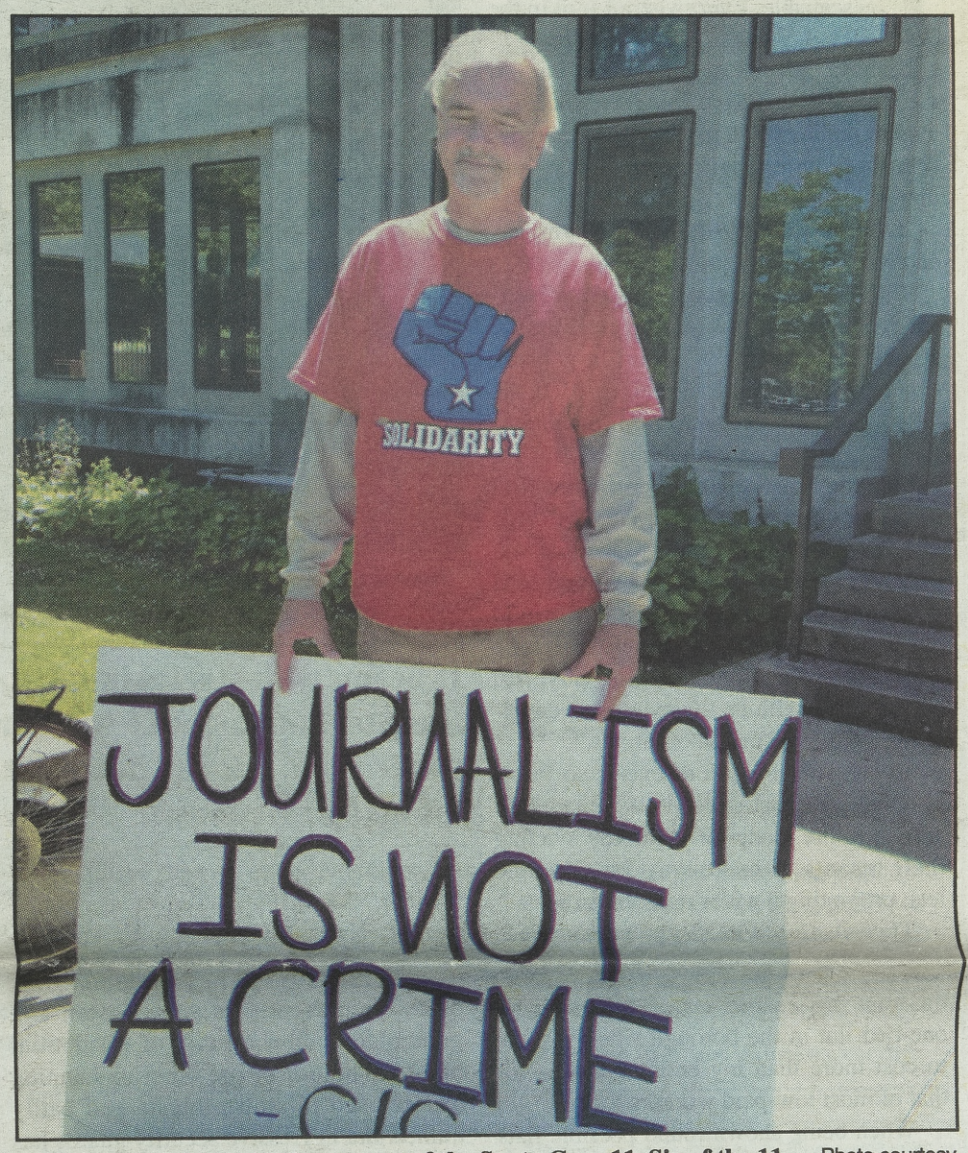
The charges are unusually severe for a peaceful protest that ended with no arrests, indicating what may be a new strategy to deter Occupy Santa Cruz protests — spreading fear by filing heavy charges against observers months later.

The charges are more serious than most of the protesters have ever experienced before: "conspiracy to vandalize and trespass" (a felony), "felony vandalism." and two different kinds of trespass (misdemeanors). The potential penalty: up to seven years in prison.

Evidence of "vandalism" to the vacant building is spotty and overblown, if linked to the occupation at all. A "No Vandalism" rule was posted on the wall by the demonstrators and second-hand reports indicate the occupiers took special efforts to clean up the building.

At two preliminary hearings, charges against six of the defendants were dismissed for lack of foundational evidence.

See **Chilling Crackdown** *page 8*



Steve Pleich holds a sign in support of the Santa Cruz 11. Six of the 11 charged were journalists and high-profile critics of the police and city council, prompting many to call it an attack on the First Amendment.

Photo courtesy of HUFF

25 Years of Failed Programs and Rising Homelessness

The federal government's McKinney-Vento Act is now 25 years old, yet homelessness continues to escalate to historic levels.

by Western Regional Advocacy Project

Passed in 1987, the McKinney-Vento Homeless Assistance Act was intended to address the emergency needs of homeless people while the federal government worked to restore the funding which had been cut from HUD's affordable housing programs.

But it didn't work that way. McKinney-Vento has spawned only an endless array of continuum-of-care plans, 5-year plans, 10-year plans — an endless system of writing, planning, and researching which "best practices" should be used to end homelessness.

At the same time, the federal government has continued to defund, dismantle, and sell off affordable housing units, thus ensuring that more and more people become homeless. At last count, 360,000 Section 8 and 210,000 public housing units have been lost since 1995. It is a shameful trade that robs Peter to pay Paul.

McKinney-Vento homeless assistance programs have increasingly become a catch-all system for people who were once permanently housed by mainstream federal programs such as HUD and USDA. Yet even as affordable housing has been decimated (with more than 800,000 units lost in 25 years), eligibility criteria for McKinney-Vento homeless assistance have been tightened.



"Depression Bread Line" **George Segal sculpture shows one-third of the nation in poverty, FDR Memorial, Washington, D.C.**

And to add insult to injury, we are seeing a massive PR campaign by federal agencies such as HUD and the Interagency Council on Homelessness to convince everyone — or perhaps to convince themselves — that with just the right coordination, facilitation, and cooperation, they will actually end homelessness. This is self-deception. Anyone who has done the math would know. The ongoing new guidelines, new initiatives, and newly named target populations suggest that people overseeing this system clearly know it is not working.

To provide a context: in the 25 years

See **25 Years of Failed Programs** *page 4*

London Olympics Bring Rent Gouging and Repression

The Olympics have intensified the effects of the poisonous cocktail of corporate power and authoritarian government that has been building in Britain and across the world.

by Tim Gee

It would seem that the Olympics are inescapable. Everywhere I turn in the United States, I see Olympic T-shirts, adverts or product tie-ins. To me, though, Olympic imagery does not inspire feelings of excitement or anticipation. It prompts feelings of dismay and double-standards.

There is another side to the Olympics, and it hits very close to home.

I am an author, an activist and a blogger from Britain, currently traveling the states, giving talks about my book *Counterpower*. Not long before I left the UK, I lived a short walk from the site of this summer's London Olympics. But for the duration of the games, my home will be friends' houses, and the road.

Ever since the time of the Olympic bid, people in East London have been told optimistic stories of how the event would "regenerate" the area to "benefit everyone who lives here" by "reducing poverty, supporting healthier lifestyles and developing successful neighbourhoods."

But on the strength of events so far, it is doing the exact opposite. It began with stories in the media of landlords evicting their tenants to make way for Olympic lets, prompting a wider rents crisis.

Then it hit us: a 30 percent increase (justification: "we're entitled to charge the *market price*") followed by evictions. The flat-hunt that ensued revealed an average one-bed flat in the borough where I work to cost more than my entire salary — or that of most low-paid workers.*

When being shown round possible flats to live in — usually by estate agents when the residents were out at work — the rent notices stuck up on fridges were hard to miss. A whole domino-rally of downsizing has been set off. When the story broke about East Londoners living in sheds, some people outside of the capital were surprised. In London it is just life.

But the double-speak doesn't end there. The second promise was "successful neighbourhoods." Vague as this sentiment is, the militarization of my hometown was not what I had in mind.



"Housing Is A Human Right." (cropped) Art by Favianna Rodriguez
Used with permission from WRAP website (http://wraphome.org).

It began with stories in the media of landlords evicting their tenants to make way for Olympic lets, prompting a wider rents crisis. Then it hit us: a 30 percent increase followed by evictions.

We have been told that there will be more soldiers on duty in London than there are currently in Afghanistan and guns placed on the roofs of residential blocks. The use of pre-emptive banning orders used to stop protests and badly trained and aggressive security guards has already begun.

So what about those healthier lifestyles? Putting aside the increased air pollution for a moment, it does seem likely that there will be more walking and cycling. Cheerful cartoons on buses and trains feature obedient citizens opting not to take public transport, accompanied by a euphemistic warning of "transport hotspots on event days." Yet the alternative, car-free, canal pathways are going to be closed down. Officials say this is on security grounds. Locals suspect it is a ruse to prevent any passerby from glancing into events without paying.

Even on the roads, cyclists are being threatened with fines of £200 ($300) should they stray into one of the 108 miles of VIP lanes reserved for exclusive use by Olympic participants and sponsors.

And this is where insult is added to injury: some of the sponsorship deals go beyond irony. The "official sustainability partner" is BP. Thousands of community-spirited local volunteer stewards will have no choice but to advertise fast-food giant McDonalds on their clothes. And despite the Olympic spirit of fair play, official sportswear partner Adidas stands accused of maltreating its workers.

There has been some resistance. One cheeky campaign group raised a smile when they satirized the partnership deals by declaring themselves "the official protesters of the Olympic games." The London Organizing Committee ordered the group's Twitter account to be dismantled on "brand affiliation" grounds, only for it to be reinstated with thousands more followers as a result of the media furor that ensued.

Another group put out a spoof press release declaring that BP had pulled out of its role as sustainability partner, and managed to give a live radio interview before they were outed. On the streets, community-led human rights groups are training legal observers to record police actions during the period. Meanwhile, the housing charities are putting extra resources into supporting (former) residents in the affected areas.

But while actions that highlight the hypocrisy of Olympics organizers and support the victims are useful, the problem is much deeper. In a way, the Olympics have only intensified the effects of the poisonous cocktail of corporate power and authoritarian government that has been building in Britain and across the world for the past few decades.

One-time Olympic competitor Julian Boykoff calls it "celebration capitalism." Building on Naomi Klein's theory of the "Shock Doctrine," he argues that corporate and government élites now use sporting events as well as major disasters to tighten their hold on power.

But perhaps these events are also symptomatic of a system approaching the end of the line. In a comparative study of the decline of 11 different empires, John Glubb argues that when empires enter their final phase, they are characterized by something he describes as truly surprising: the exaggerated importance of sporting events as an attempt to distract populations from other issues.

Let us hope that his observation has predictive capabilities. Then, like the remains of the Hippodrome of Constantinople, the Olympic Park of London will one day serve as a reminder to future generations that the people and ideas that dominate and suppress a society cannot do so forever.

Tim Gee is the author of *Counterpower: Making Change Happen,* New Internationalist. It is available from The Green Arcade Bookstore in San Francisco.

Homelessness Isn't Just An Accident—It's a Plan

The media celebrates new high-end penthouses while homeless people are chased up and down city streets.

by Carol Denney

The average monthly apartment rent jumped 10.1 percent to $1,811 in July 2012. California's minimum wage is eight dollars an hour, or $1,280 a month. If you did the math just then, you'll know why I'm saying what comes next: Homelessness isn't an accident.

Homelessness is a plan.

We all know how people manage this treacherous sleight-of-hand because we, our friends, our sisters, our brothers, are the ones working the night jobs, hoping the unpaid internships turn into money, and selling our books, our records, the painting, the old Martin guitar.

We know we're one paycheck away, one injury away from being that person our policymakers just wish would leave town if we can't keep up with exorbitant rents or if we can't find jobs.

Why do our political and planning representatives continue to build unaffordable housing instead of addressing the most pressing housing needs?

The media is full of coverage of this schizophrenic policy; the high-end penthouses are celebrated in city press releases even as homeless people are chased up and down city streets, trying to figure out where they can sit long before the anti-sitting law was even enacted.

This policy has long been tradition here in California. The wealthy classes want our labor, our strong backs, our willing hands and hearts. They want our music and our brilliant ideas. But they don't want to live anywhere near us.

Just don't ever think it's an accident — it's a plan.



A homeless man sleeps outside a building advertising units at sky-high rents. New buildings are constantly built — but not to house the poor. Photo by Robert L. Terrell

Mayor Bates Tries to Ram Through Anti-Sitting Law

Homeless people have been happy to see a broad coalition of Berkeley citizens come out against this most egregious attack on their civil and human rights.

Commentary by Michael Diehl

Berkeley Mayor Tom Bates is attempting to pass an ordinance prohibiting sitting on the sidewalk in commercial areas. Nonprofit legal and human service agencies, and a wide spectrum of Berkeley residents are decrying this proposal, calling it a veiled attempt to criminalize the homeless population.

According to boona cheema, executive director of BOSS (Building Opportunities for Self-Sufficiency), "Criminalization of the homeless will not solve any economic problems faced by the business owners in Berkeley. The homeless will simply be moved around the city from place to place, and the incarceration will exact both human and dollar costs on this community,"

A question now arises as to whether Mayor Bates was able to successfully and legally get the anti-sidewalk sitting ordinance put on the ballot for the November election. At the tail-end of the Berkeley City Council meeting on July 10, Bates and four council supporters exited the meeting just prior to midnight, joined by City Councilmember Susan Wengraf on speaker phone from Santa Monica.

This took place after 60 members of the public had spoken against the proposed anti-sitting ordinance and only one spoke for it. Just prior to midnight, three in opposition started to sing the old civil rights spiritual song of resistance, "We Shall Not Be Moved."

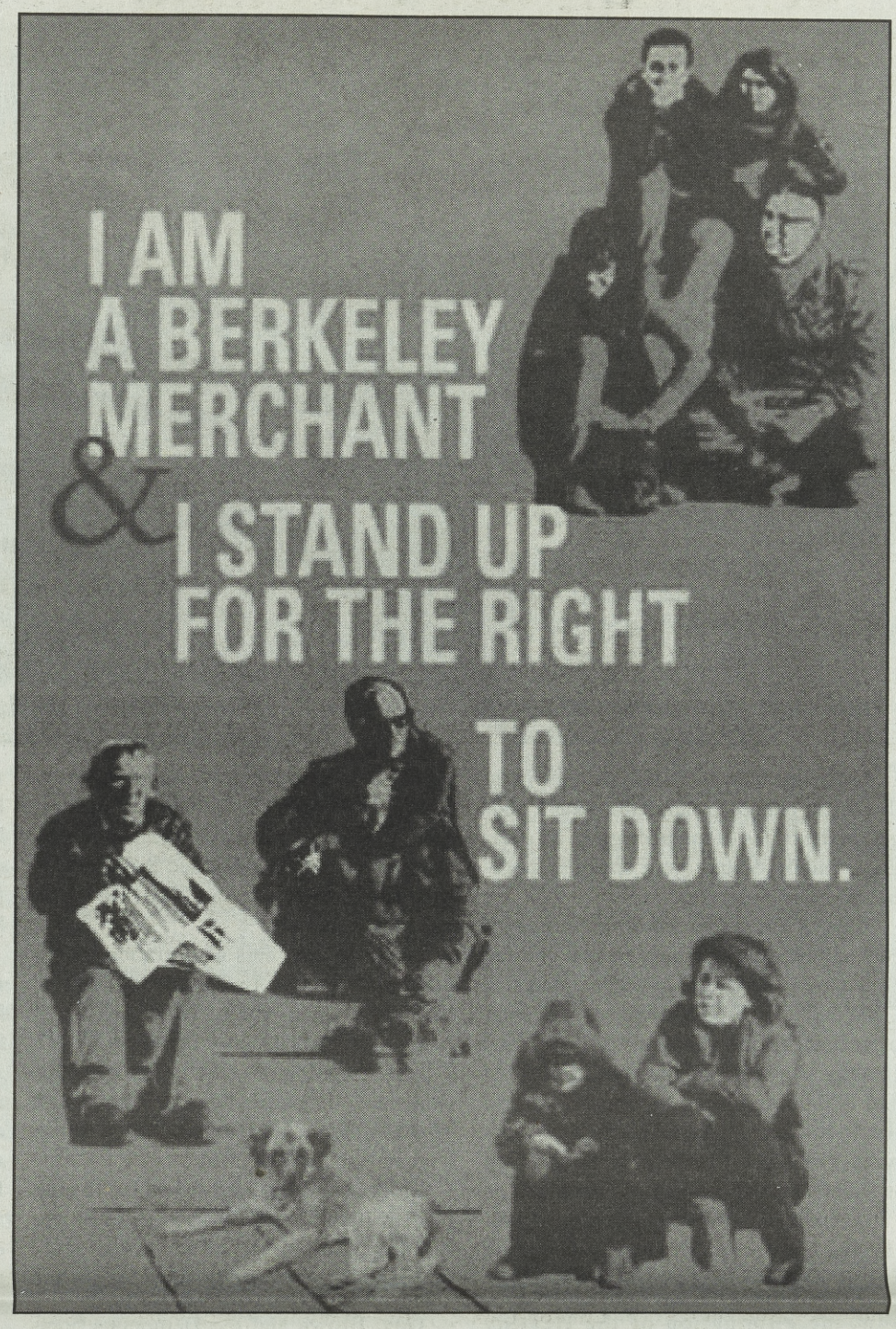
Then Mayor Bates and the other four council supporters of the ordinance exited the meeting and returned after midnight when the meeting was technically over. They voted for the measure despite the fact that not all the public had spoken, and none of the City Council members had been able to comment. Nor was City Councilmember Jesse Arreguin able to introduce his alternative motion.

Earlier in the day there had been a witnessed Brown Act violation where the five supporters of the ordinance met together and planned to ram through the measure in spite of the public resistance they anticipated.

As with the previous council meeting on June 12, the public was forced to wait until almost 11 p.m. at night with the anti-sitting proposal put behind other contentious and time-consuming agenda items before the public was allowed to comment.

On June 12, the same 6-to-3 council coalition voted to direct the city manager's office to come up with ballot language for a ballot initiative banning sitting. The initiative did not come out until a week before the vote at the council meeting on July 10.

In the past two years, official commissions of the Berkeley City Council — the Homeless, Mental Health, Housing Advisory, Peace and Justice, and Police Review Commissions — have all come out against the idea of an anti-sidewalk-sitting ordinance.



Activists are succeeding in asking many merchants and business owners to sign a statement that the proposed anti-sitting ordinance is not needed in Berkeley.

On June 12, 75 people showed up at a 6 p.m. rally in opposition to the ordinance and 50 remained through several hours to speak out against the ordinance. Some ten people from the Shattuck and Telegraph Business Districts spoke for the ordinance.

During the last month, the Berkeley police have shown they are already able to remove folks from public sidewalks — and many of those targeted by police are street youth protesting this attack on their very right to exist in the public commons.

The Berkeley police have awakened folks sleeping at different hours of the night and day, so many of those on the streets have been sleep-deprived. There have been four police assaults on the youth and about 40 citations given for sitting on the sidewalk — even though it is not illegal yet.

The police, when pressured by powerful commercial and big property interests, and by city government officials, have shown they do not need the proposed ordinance to clear the streets.

Meanwhile, more and more businesses (50 and growing) standing against these big 1% interests have come out in opposition to the anti-sidewalk-sitting ordinance.

The heavy police presence focusing on the homeless has moved from downtown Shattuck Avenue to the Telegraph and People's Park area of Berkeley.

The reality is that, at present, there are more folks sitting on Haight Street in San Francisco — even though they have already passed an anti-sitting ordinance — than on Telegraph and Shattuck combined.

In the face of what has been a strong police attack on their very right to be in Berkeley, the street youth have often shown great unity and courage in fighting for their right to be in the public commons. They have been happy to see a broad coalition of Berkeley citizens come out against this most egregious attack on their civil and human rights.

This has moved them to want to fight militantly, and to follow the example of peaceful nonviolent resistance that we showed in the collective singing of "We Shall Not be Moved" and "We Shall Overcome."

Now, the very act of sitting is an act of civil disobedience, as first shown at the Berkeley City Council by Ann Fagan Ginger, who is the founder of the Meiklejohn Civil Liberties Institute, and a longtime defender of the United Nations Universal Declaration of Human Rights.

By joining us in our protest, progressive City Councilmembers Kriss Worthington, Max Anderson and Jesse Arreguin have shown us that not all members of the Berkeley City Council have been corrupted by the baleful lure of big-time developers and their filthy lucre.

Why I No Longer Read the City Papers

by George Wynn

Someone is always panhandling

Tenderloin streets smell of urine

They always find someone half out of their mind blowing up at the least provacation

Some tourist is always stepping out of the Hilton frightened out of his wits by a beggar pleading for two bits

Some once handsome alcoholic with a serious hangover is always getting a free ride to detox "costing the city a king's ransom"

Some homeless soul or punkster with a dog is sprawled out on a merchant-blessed street

Of course there's always those nasty shopping cart soldiers — the foul-breath type that security guards bar on sight

Let us not forget those men and women with great survival skills who stand tall and strong against all odds who do everything right under *the sun and fog to get a job yet cannot* become the people they want to be

Of course they are not newsworthy

Irony of the Summer Homeless

by Claire J. Baker

More relaxing under the sun,
rain not dripping down one's neck.
Still alive, a lucky one
almost coping under the sun —
survival's game at times half won.
Winter's coming, what the heck.
Sidewalk-sleeping under the sun,
rain not seeping down one's neck.

Street Spirit

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Gov. Brown's Shocking Cuts to California's Safety Net

by Lynda Carson

In late June, Gov. Jerry Brown and the Democrats once again sold out to corporate interests by grabbing another billion dollars from social services for the poor in a deal that jeopardizes the state's safety net, with permanent changes being made to life-saving programs.

In recent years, budget cuts in California have fallen with devastating impact on the lives of millions as Gov. Brown and the corporate elites running the state continue to plunder the precious resources needed for our schools, housing programs, public hospitals, prisons, health programs, state parks, programs for children and the elderly, the disabled, public libraries, public housing, food programs, and the many other life-saving programs that serve the poor and the middle class.

In contrast to the ongoing budget cuts that are destroying the safety net, Gov. Brown continues pushing for such controversial, mega-billion-dollar corporate projects as the high speed rail system ($100 billion estimate in costs), and the twin-tunnel system to divert massive amounts of fresh water from the Sacramento-San Joaquin River to Southern California ($23 billion to $50 billion in estimated costs).

Brown is championing these multi-billion-dollar projects in a period when the Democrat's recent catastrophic budget cuts have shredded the state's schools and poverty programs, tossing millions of people into a life of uncertainty, desperation, homelessness and poverty.

According to the census of 2011, poverty in California has grown for the fourth year in a row, with about 6 million state residents with incomes below the federal poverty level. Poverty levels are rising rapidly as a direct result of catastrophic budget cuts instituted by Gov. Brown and the state's Democrats.

Despite the extreme poverty levels already suffered by low-income Californians due to recent budget cuts, this latest plan to balance the state's budget on the backs of the poor grabs an additional billion dollars from critically needed safety-net programs.



"Safety Net" Art by Art Hazelwood

Despite California's already extreme poverty levels, Gov. Brown's latest plan to balance the state budget on the backs of the poor grabs an additional billion dollars from the safety net.

Among the recent catastrophic budget cuts agreed upon by Gov. Brown and the Democrats, welfare-to-work recipients in CalWORKs will be limited to two years of assistance instead of four years. The Healthy Families program was eliminated and 880,000 children were dumped into the MediCal program and 10,600 slots were eliminated for low-income children in state-subsidized childcare programs.

A coalition of 64 organizations, including the California Medical Association and the Children's Health Coverage Coalition, rallied unsuccessfully to prevent the elimination of the Healthy Families program in Brown's budget.

Elimination of the Healthy Families program will have a strong impact on Latino residents, which comprise 46 percent of Healthy Families beneficiaries statewide, according to Chad Silva, policy director at the Latino Coalition for a Healthy California.

These budget cuts also grabbed $225 million from the In-Home Supportive Services program that serves disabled residents, and cut childcare spending by 8.7 percent, resulting in an $80 million reduction that eliminates day care for about 10,600 children, and freezes cost-of-living adjustments through 2015.

More budget cuts are scheduled to take place if Brown's plan to raise taxes on the wealthy, and impose an additional quarter-cent hike in the state sales tax, is not agreed upon by the voters in November.

Gov. Brown and the Democrats hope that by attacking state programs that serve low-income residents, they will somehow win voter support for higher taxes. However, the changes being made to the life-saving, safety-net programs are permanent, and it is a no-win situation for poor and low-income residents who are being abused by those in power.

Using the poor as sacrificial lambs to win voter approval for higher taxes, Gov. Brown and the Democrats are permanently and intentionally shredding programs serving the poor, elderly, and disabled. As a result, they have placed the poor and downtrodden at great risk of starvation and homelessness in the very near future. Brown is also warning voters that there will be an additional $6 billion in budget cuts to schools and universities, if his tax proposal measure is rejected by the voters in November.

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25 Years of Failed Programs

from page 1

since McKinney-Vento passed in July 1987, two major events severely impacted the numbers of poor people finding themselves homeless. The first was the "Contract with America" in 1998 during the Clinton Administration when the Housing Act of 1937 was changed from "remedy ... acute shortage of decent, safe and sanitary dwellings" to declaring that "the federal government cannot ... provide housing of every American, or even the majority of its citizens."

The second was in 2009, the last time McKinney-Vento was reauthorized in Congress. Renamed the HEARTH Act, it instructed HUD to create a new bureaucratic definition of who is homeless. By implicitly admitting defeat that the McKinney-Vento model has any chance of stopping the growing wave of homeless people, the HEARTH act instead redefined "homelessness" out of existence for thousands of people without homes.

A 105-page HUD memorandum describes who is homeless and establishes welfare-oriented criteria that determine who will qualify. It is particularly hard on families who live doubled-up, tripled-up, or in SRO hotels.

Advocacy organizations that continue to focus on the McKinney-Vento Act will never be catalysts of the change we need. Their funding is too contingent upon being seen as legitimate by whatever administration is in power, a dependence that moves those in power even further away from the actual lives and experiences of poor and homeless people.

Consulting and research firms have probably benefited the most from McKinney-Vento funding because HUD bureaucrats like justifying their proposals by paying researchers. We need no further research to understand the direct and obvious correlation between massive affordable housing cuts since 1978, the opening of shelters in the early 1980s, and the growing existence of homelessness today.

The Western Regional Advocacy Project (WRAP) has issued a carefully researched analysis of the systemic causes of homelessness called *Without Housing*.

Other studies done on homelessness must have been able to gather the same information. Had they looked closely at the underlying cause-and-effect issues connected with massive numbers of people without housing, they should have been able to connect the dots. But they seem not to have looked. It's not a difficult correlation, but the dots have been left unconnected.

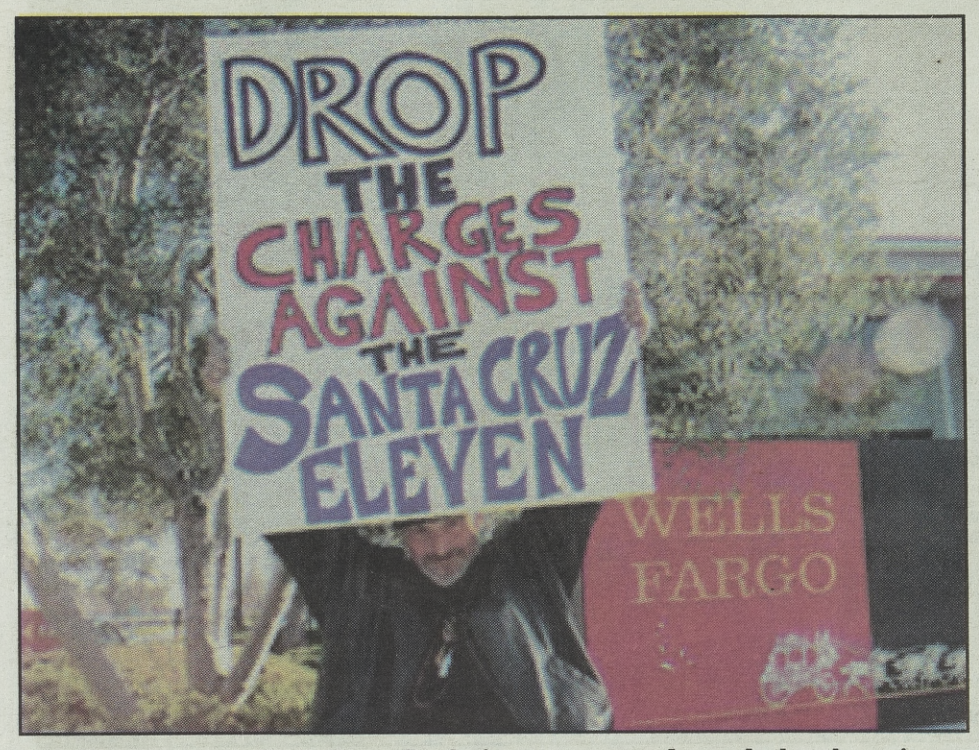
We need to be honest. Too many organizations and departments, in and out of government, turn away from the simple connection between the absence of affordable housing (cause) and the increasing numbers of homeless people (effect).

No amount of coordination or redefinition is going to end homelessness. McKinney-Vento was created to address the *effects* of homelessness and it is time for HUD and USDA to step up and address the *cause* of homelessness.

If the past 25 years have taught us anything at all, it is that nothing ends homelessness like a home.



How a Wells Fargo Occupation Led to Felony Charges



Standing next to the Wells Fargo Bank sign, a protester demands that the serious felony and conspiracy charges against the Santa Cruz 11 be dropped.



"Occupy Dwell Reside Inhabit Live ... Together" Poster art created by Dave Loewenstein

by John Malkin

Three days of barricades, meetings, dance parties and sleeping inside a vacant bank — all resulting in charges of trespassing, vandalism and conspiracy against 11.

Seventy-four days after the birth of the Occupy Movement in September 2011, a self-described "anonymous, autonomous group standing in solidarity with Occupy Santa Cruz," entered a building in Downtown Santa Cruz that had been vacant for three years. A press release from occupiers explained that the building, formerly owned by Wells Fargo and now leased to the bank, would be "transformed into a community center."

With a blend of political idealism and practical naiveté, the occupation of a 13,447-square-foot vacant building, located at 75 River Street, became a complicated and illegal experiment in social change.

Of the reported 200-300 people to venture inside the building between Wednesday, Nov. 30 and Saturday, Dec. 3, 2011, 11 people have been singled out by the Santa Cruz Police Department and charged with misdemeanor trespassing, vandalism and felony conspiracy to commit trespass.

The group of 11 suspects includes two Indymedia journalists, three alternative media journalists and some of Santa Cruz's most visible activists, one of whom says she never went inside the building. Charges were filed by the district attorney on Feb. 8, 2012, more than two months after the takeover.

The 11 are: Brent Adams, Franklin Alacantara, Bradley Stuart Allen, Alex Darocy, Desiree Foster, Becky Johnson, Cameron Laurendau, Robert Norse, Edward Rector, Gabriella Ripleyphipps, and Grant Wilson.

"It's a curious list," comments Mike Rotkin, five-time mayor of Santa Cruz. "They were obviously trespassing," he acknowledges, "but charging them with felony conspiracy to do misdemeanor things? It seems overblown."

Current Santa Cruz Mayor Don Lane agrees. "I was surprised by the conspiracy charges," he says.

Felony conspiracy has a maximum three-year prison sentence and is perhaps one of the most severe charges against national Occupy-related events since the movement began 10 months ago. Rebekah Young, assistant district attorney prosecuting the 11, advises, "I don't think anyone from the prosecution or defense expects that [three years] to be imposed. It's up to the judge."

In addition, many of the 11 say they didn't do graffiti or vandalism. "If you're united in concerted action [trespass] and something else happens during that [vandalism] ... you can be held libel for it," explains Young. According to police reports, a Wells Fargo representative estimated $30,000 in damages to the building, including a $6,000 janitorial fee.

The "re-purposing" of the vacant building came at a time when Occupy encampments were established in dozens of U.S. cities and just two days after activists had occupied a building at UC Santa Cruz on November 28. Also fresh in many minds were images of activists being shot with rubber bullets in Oakland and pepper-sprayed at the University of California at Davis.

A varied mix of people with a diversity of intentions visited the River Street occupation. Many didn't know each other. Dozens attended meetings, attempting to create a community center. Others appreciated a warm place to sleep. Some came to party or just check out perhaps the strangest episode in recent local history.

What follows is a view of the occupation from first-hand accounts of some people who ventured inside, including city officials, activists, journalists, concerned community members and passers-by, as well as insight into the arrests and current trials of 11 people.

A Picket of Corporate Banks

On Nov. 30, 2011, about 75 people walked across the Water Street bridge in Santa Cruz in a march that was publicized to "picket corporate banks ... and march to a foreclosed property." After protesting at Chase Bank on Ocean Street, the group went to 75 River St., located directly across the San Lorenzo River from the local Occupy Santa Cruz tent village.

What happened next took many by surprise. According to those interviewed for this story, someone approached the front doors of the vacant building and walked in, without permission or payment (monthly rent is about $28,000, according to a representative from Barry Swenson Builder, co-owner of the building). Police speculate that a key had been taken earlier from a lock box.

At 6 p.m., 24 Santa Cruz policemen in riot gear confronted about 30 occupiers barricading themselves inside the building, where they were busy crafting banners and re-arranging furniture. About 100 protesters rallied outside the building, interlocking arms and blocking police access at times.

Police struggled to enter the building and during scuffles, police hit at least two people with batons, according to police reports obtained and eyewitnesses. One policeman wrote in his report of the incident that coffee was thrown onto him. "I could not see out of the left side of my face shield," he wrote. "I suspected it was coffee with a lot of cream or more likely a latte."

Though police were absent during most of the three-day occupation, the first hours were tense. "They [SCPD] tried for 30 minutes to get into the building," explains Simon, one of the occupiers and a self-described pacifist. "We held large pieces of furniture. They couldn't get enough manpower on the outside because we were able to double that many on the inside. We had the advantage because we didn't have shields and batons to hold."

In a video posted to YouTube, SCPD officers with helmets, shields and batons are seen backing away from protestors. One officer is heard saying, "We'll leave if you don't follow us," which is what happened.

Police did not return for three days, according to several people interviewed who were coming and going from the building. Police reports reveal that police surveilled the occupation from an undisclosed vantage point.

Tent in a Vault

Back at the barricade the scene continued to unfold. As the day went on, several people at the former bank were interviewed for this article, including a concerned woman who spoke in urgent tones to a teenager inside the occupied bank, saying, "Please be careful!"

The teenager responded: "That's my mom. We're holding the building and not planning on going anywhere."

On top of the barricade there was a man wearing a black mask and cap. He pointed to the pile of furniture and said: "You're looking at a barricade right now." From inside of the bank, he asked if I'd like to come in. I declined. A man sporting a backpack climbed over the couches and metal desks, followed by another man holding a gas mask.

"When are the cops coming back?" asked the gas-mask guy.

"We've already faced them off once tonight," he said. "We'll be locking down and we're asking people to make the decision to stay either in or out. There's running water, electricity, bathrooms, food and a smoking area. We also have roof access. Are you coming in?"

Some observers would view the barricade as a symbol of the failure of some occupiers to meet their goal of creating a community center.

"People don't want to come in if it's barricaded!" reflected an occupier who goes by the name of Jean. "If I was some lay person I'd be afraid to come in."

The longevity of the "bank action" was perhaps stunted because occupiers hadn't decided if it was more a statement against capitalism or an effort to create a community center. Additionally, anticipated support for the occupation was apparently overestimated.

"It's a terrible dichotomy where you have some intention of working on this community center or a place where homeless can get out of the weather ... and during the same discussion we'd have proposals about how to defend ourselves from a SWAT team," Simon explains. "Those two activities counteract each other."

On the second day of the occupation, many came and went through a side door, though mainstream journalists were not greeted warmly.

One reporter was given a short tour without her camera and Occupiers described a variety of things taking place inside of the building: down one hallway, an office door was opened and a couple was making love on a sleeping bag on the floor; in the next room a young woman was curled up sleeping; the thick bank vault door lay wide open, revealing a camping tent where piles of cash were once stashed. Meanwhile an "empathy cafe" was under way upstairs.

"There were people walking in and out of the bank. It was a very casual atmosphere," Jane adds. "I was invited to facilitate a compassion circle there. Maybe I'm naive, but it [the occupation] didn't have an air of unlawfulness about it."

Several people commented on how it had seemed legal to enter the building after seeing city officials and others go inside without any police action. In an interview for this article, one person, who requested to remain anonymous, said, "There was no 'no trespassing' signage and no police saying, 'It's against the law to enter this space.'"

Another noted: "I understand the police put up no trespassing signs. The signs got torn down pretty fast. I never saw those signs."

The occupied building was visited by Santa Cruz City Councilmember Katherine Beiers, City Manager Martin Bernal and half a dozen mainstream and independent journalists, according to witnesses. SCPD reports reveal that Councilmember Beiers was recommended for prosecution, though the district attorney has so far declined. City Manager Martin Bernal adds, "The mayor (Don Lane) asked me to go inside ... I spoke with police first."

The following are descriptions from two people who entered the occupied building; one is facing trespassing, vandalism and conspiracy charges and the other is not. (Can you tell which one goes before a judge this month? Note the answer at the end of this article.)

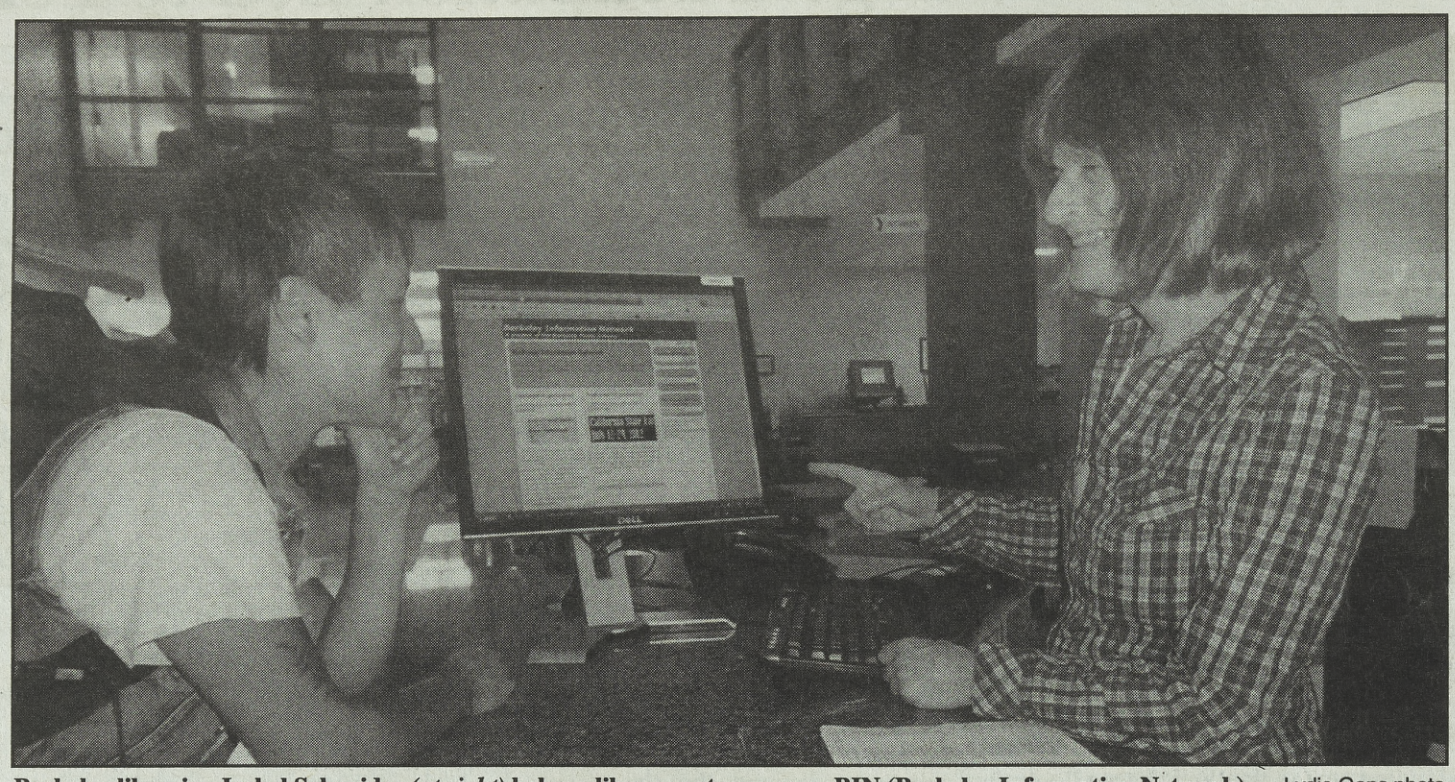
X: "I stepped in as a concerned community member ... In the evening they were in a circle talking about respecting the property, the space, and strategies. After about an hour I left the meeting. I was still not clear as to what their long-

See **Felony Charges** *page 7*

Berkeley Information Network: A Good Place to Seek Help

"I can't tell you the joy that comes with finding the right organization for the person and the joy that they feel in having found something that's going to help them."

— Isobel Schneider, reference librarian



Berkeley librarian Isobel Schneider *(at right)* helps a library patron access BIN (Berkeley Information Network). Lydia Gans photo

by Lydia Gans

Libraries do a lot more than lend out reading and listening materials these days. For years, Berkeley libraries have had racks near the front desks holding sets of colorful flyers listing community services such as free meals, homeless shelters and legal services, as well as organizations needing volunteer help.

The flyers are a project of BIN, the Berkeley Information Network, which is produced and maintained by the Berkeley public library. It is highly user-friendly — a huge online listing of organizations providing a wide range of resources available primarily in Berkeley and Oakland.

Thirty years ago, Berkeley libraries began keeping a special card file of local organizations that offer resources to the community. When the library created an online catalog, these cards were also added. Recently a new, separate, user-friendly BIN website was set up with detailed information, updated annually, on more than 2300 organizations.

Reference librarian Isobel Schneider coordinates the maintenance of the BIN website with a team of library staffers.

The organizations listed under 28 subject headings span a diverse array of groups focused on such themes as animals, food, housing, legal services, sports, *religious groups, politics/government, etc.*

Under each subject heading, one can click on particular subheadings. For example, under "animals," one can click on "dogs or cats" and get a list of 25 organizations. In that list there are pet loss support groups, service animals, Berkeley city animal care services, and more.

The listings under government/politics include political and social agencies at all levels of government, as well as all sorts of special interest resources. Clicking on a specific organization then yields up-to-date details of names, addresses, contact information, services and mission.

Setting up this system of classification must have been a formidable task. But then, librarians do that sort of thing. "Librarians think that way," Isobel Schneider explains.

People using the BIN find it easy to access and convenient. They begin by clicking on "browse" to bring up the list of 28 subject headings. From there, they can follow the steps to find specific organizations and make their own list. They can use the keyword search if they remember a name or even an address of an agency they want to locate. When they find the resources they want, they can print out the list or e-mail it to another address.

BIN is used a great deal by professionals in various fields to get resources for their clients. More interesting and particularly rewarding for the librarians is its use as a source of help for homeless people and those living on the edge with few resources.

According to Schneider, BIN listings help people gain access to vital legal information and all kinds of social services. She declares enthusiastically, "Even though BIN is filled with other things like entertainment, this is the area we really shine in — to help people find resources that can really improve their lives.

"I can't tell you the joy that comes with finding the right organization for the person and the joy that they feel in having found something that's going to help them. For example, when you are in a low-income position and you need legal help for numerous legal problems — it could be a divorce, a problem with a child, or it could be a problem with the law — you have nowhere (else) to go."

BIN is a tool that librarians use when people ask for assistance. Referring them to a book or other medium isn't always the most helpful thing they could do.

Schneider described two separate instances that occurred in one week when patrons came to the reference desk asking for information on head injuries. The librarian at the desk started to refer them to books on the subject, but "they just sort of had a kind of blank face," Isobel recalls. "I was looking at them and I realized, I think these people have head injuries and they're kind of at sea.

"So I asked them, 'Would you be interested in organizations that support people with head injuries?' And their faces just lit up. These are two separate people, two different days, for some reason, in the same week and their eyes just lit up. Yes! Yes! So I went into BIN and did a keyword search for head injuries and several organizations appeared and I printed the list out and they were absolutely thrilled. And you could tell that they didn't know where to turn. They may have been treated medically for it, but this was an ongoing problem for them. It's not going to go away."

All this is a relatively new and ever-expanding concept in library services.

"We're trying to expand and impress on everybody to make searches in BIN an adjunct to every reference that you do if it's at all appropriate," Schneider explains.

"It just opens up worlds that you didn't think of, and I almost never had anyone turn down the opportunity to find a support organization. People looking for work, people going through all kinds of emotional transitions, life changes, challenges finding support groups, finding counsel. We also have things like some summer camp information and unusual summer camps for kids."

The BIN data base is constantly expanding as staff find new organizations. It is another one of the many great programs the Berkeley library offers the community. Their website is directly accessible at http://berkeleypubliclibrary.org/bin

Raise the Minimum Wage to Raise U.S. Economy

by Holly Sklar

Time flies when you're moving backward. With the federal minimum wage stuck at $7.25 an hour since July 24, 2009, workers now have less buying power than they did in 1997 at the start of the longest period in history without a raise.

It took 10 years, from 1997 until 2007, to raise the minimum wage above $5.15. A worker would need $7.36 today to match the buying power of the $5.15 minimum wage in 1997.

If you picture raising the minimum wage as climbing a mountain, workers have fallen below the spot reached 15 years ago. But it's even worse than that because 1997 was not a minimum wage high point. You'd have to climb higher up the mountain to reach base camp for 1956 when the minimum wage was worth $8.44 in today's dollars. You'd have to climb much higher to get to the peak reached in 1968, when the minimum wage was $10.55, adjusted for inflation.

At $7.25 an hour, today's full-time minimum wage retail worker, security guard, child care worker or health aide makes just $15,080 a year. Last century's 1968 minimum wage worker made $21,944 a year, adjusted for inflation.

"Businesses don't expect the costs of energy, rent, transportation and other expenses to remain constant, yet some want to keep the minimum wage the same year after year, despite increases in the cost of living," said David Bolotsky, founder and CEO of UncommonGoods and a member of Business for a Fair Minimum Wage. "That kind of business model traps workers in poverty and undermines our economy."

The minimum wage and average worker pay used to rise with increased worker productivity. All too often now at big corporations, executive pay goes up but worker pay does not.

Worker productivity grew 80 percent from 1973 to 2011. The average worker wage fell 7 percent, adjusted for inflation.

"Our report on executive compensation will only fuel the outrage over corporate greed," said Forbes. The CEOs of the 500 biggest U.S. companies "got a collective pay raise of 16 percent last year." Their average compensation was $10.5 million.

That comes to $28,767 every day of the year.

Walmart CEO Michael Duke made $23.2 million. Duke's $63,562 a day is more than many small business owners make in a year.

When Sam Walton opened the first Walmart in 1962, the minimum wage adjusted for inflation was worth $8.74 and the Waltons were far from America's richest family. Today, many Walmart workers make less than $8.74 and the six

Walton relatives on the Forbes 400 list of richest Americans have a combined net worth of $93 billion. While the Waltons top the list of richest families, Walmart workers top state lists of workers who depend on government supports such as Medicaid.

"Even in the lowest-price segment of retail, bad jobs are not a cost-driven necessity but a choice," writes Zeynep Ton of the MIT Sloan School of Management.

As Costco Senior Vice President Jeff Long said recently in support of increasing New York state's minimum wage, "At Costco, we know good wages are good business. We keep our overhead low while still paying a starting wage of $11 an hour. Our employees are a big reason why our sales per square foot is almost double that of our nearest competitor. Instead of minimizing wages, we know it's a lot more profitable for the long term to minimize employee turnover and maximize employee productivity and commitment, product value, customer service and company reputation."

In 2010, our nation's economy was growing, but most Americans didn't feel it because 93 percent of the income growth went to the richest 1 percent. The bottom 90 percent of Americans got none.

It sure wasn't always like that. Between 1938, when the federal minimum wage was first enacted, and 1968, when it peaked in value, the bottom 90 percent of households shared 69 percent of the nation's income growth. The middle class was able to grow.

The biggest problem for Main Street businesses is lack of customer demand. Low-income workers put pay increases right back into needed purchases at local businesses.

We can't restore customer demand and build a strong economy on downwardly mobile wages. It's time to raise America by raising the minimum wage.

Holly Sklar is director of Business for a Fair Minimum Wage (www.businessforafairminimumwage.org).

Felony Charges Result from Bank Occupation

from page 5

term vision was."

Z: "I arrived at the bank less than an hour after it was occupied. I saw people on the roof. I was there shortly after the first people went in. I went in and sat down ... They were having a meeting."

On Saturday, December 3, police arrived at around midnight to discover that the bank was once again empty. According to those interviewed, police had made it clear that they were preparing to return and arrest anyone inside. They secured the building and it was soon boarded up and fenced. A sign in front with "occupied" painted over the word "available" had been removed.

"We're thankful authorities secured the building and there was a peaceful resolution," says Ruben Pulido, a spokesperson for Wells Fargo. Pulido declined to comment on the charges against the 11 people.

'Forgive Us Our Trespasses'

On the first night of the occupation (November 30), a lively general assembly unfolded in front of the building, according to those interviewed. A young woman summed up one vision through a crackling bullhorn: "We're challenging capitalism, accumulation of property and the expropriation of our wealth through our labor."

A banner reading "Reclaim Space—Reclaim our Lives" was hung above a counter where bank tellers had once counted out bills. People played music, ate dinner and taped up signs.

"Wells Fargo is a fit target," one occupier said. "They're responsible for predatory lending, foreclosing on taxpayers' homes and then getting billions in bailout money."

Another solemnly added, "This is part of an ongoing resistance that started more than 500 years ago. This is phase two of Occupy."

The Occupy Movement was greatly inspired by the Arab Spring and actions in Spain and Greece where public and private property were occupied in 2011. This strategy connects to myriad political occupations of land and buildings by Native Americans (Wounded Knee: 1973), Zapatistas (Mexico: 1983 to present), Landless Workers Movement (Brazil: 1984 to present), and Homes Not Jails (San Francisco: 1992 to present), to cite a few.

"This next phase of the movement will be made of surprise, short, sometimes one-day occupations," says Kalle Lasn, editor of *adbusters* magazine, and one of the people responsible for sparking the Occupy Movement. "We can occupy banks for a few hours. We can occupy buildings ... for four days or maybe four weeks."

Provocative "phase two" occupations have continued. In January 2012, Occupy London activists occupied a vacant bank. On April 1, a vacant building in San Francisco was taken over for 24 hours by Occupy activists who established a "community center, shelter and food bank." Seventy-five people were arrested for trespassing — none for conspiracy — according to news reports. One unfurled banner read: "Give us this day our daily bread, Forgive us our Trespasses."

Was the occupation of a vacant bank off-track from goals of freedom and justice? Or will history include it as a direct action that contributed to positive social transformation? Either way, the necessary conditions for long-term support for the action — community support and a breakdown of authority — were not present.

During the occupation, not far from the tent in the vault, three words in purple paint graffiti read: "Not Enough Indians."

While the Occupy Movement gained momentum by identifying with the "99 percent" — a growing majority of Americans who feel they're being adversely affected by political and economic systems — this local building occupation revealed an underlying concept to contend with: private property.

Is Private Property Holy?

If the message of Occupy were synthesized into one question it might be this: "Where can we go without permission or payment?" Local occupiers perhaps tried one answer to this question by taking over a vacant bank (one of at least three downtown) and discovered that the broader community was not on the same page because, as one of the 11 now charged explained, "Private property is thought of as this holy thing."

In fact, this attitude is fairly young. Local historian Sandy Lydon offers, "The concept of individual private property was not a well-developed one with the local and regional Indian groups. Each group had a particular territory which they would defend against encroachment by neighboring groups, but it was generally understood to be an "us" and "them" defense, not a "me" and "mine."

Private property is now a firmly embedded concept in our culture. Some local observers of the River Street occupation commented: "What if occupiers came into my house?"

They are, perhaps, pointing to a human need for safety. And to a fear that private homes and vacant buildings may be equal targets for the Occupy Movement. Local Occupy activists addressed the issue, saying that the takeover of vacant buildings is rooted in unjust economics; as wealthy corporate banks lie empty and receive government assistance, they're foreclosing many into homelessness.

Simultaneously, public space has dwindled as city government has decreased common areas by posting closing hours at places like the river levee and town clock in Santa Cruz. City Councilmember Katherine Beiers explains, "It's a way to give power to police to move people. City hall is now posted, and the side of the public library. There is a kind of closing in."

One occupier interviewed said: "That building was chosen because it had ties to Wells Fargo ... There's so many empty private spaces and so few public spaces."

"Ultimately, bank property that's not being used should belong to the people," says Mike Rotkin, a self-described socialist. "It should be re-purposed in a public way. But I don't think you can do that by physical force."

On Friday night, December 2, the community was invited to the occupation for a pot luck meeting to discuss next steps. Things didn't go as planned, according to those interviewed. Though ground rules were posted (including no alcohol or drugs) many came to party in the vacant bank.

"I was surprised when I went in on the second night and saw how different it was," one occupier, who was inside many times, reveals. "People were on their phones. They'd say, 'I texted [UCSC's] College Nine and told them to come down.'"

Multiple occupiers interviewed said that they attempted to stop graffiti and vandalism, but the size of the building and number of visitors made it difficult.

"I was in and out of the bank on a fairly regular basis," Simon notes. "The last two nights I had a departure with some of the characters in there. Some activists were replaced by people who didn't have an activist grounding and had a confrontational mode. It was time to leave. I wasn't willing to get arrested for somebody else's vandalism."

Though occupiers experimented with bag-checks at the door, damage was done. "Some people wanted to come in and vandalize things," says Jean. "A lot of people didn't understand the community center idea."

At least two occupiers phoned and met with police in an attempt to negotiate for time to clean up. "We wanted the power back on so we could vacuum," Jean explains. "We wanted to mop and get the graffiti off the walls."

Guilty Until Proven Innocent?

In addition to the 11 already charged, DA Bob Lee told media in a February press release that, "More people may be charged and more charges may be filed." Though common as investigations unfold, the statement has had an early effect.

"It creates a chilling effect in the community for people to lend support," says Morgan, one of the 11 being charged with trespassing, vandalism and conspiracy. "They don't know if they might be drawn into this situation somehow."

"That idea of 'innocent until proven guilty,' it doesn't feel that way," Morgan adds. "People had officers come to their homes and arrest them. That seems unnecessary in this situation."

Chris, another of the 11 charged, says he was shocked to learn he was on the wanted list. "I was told how not to get arrested by 'running the gauntlet,'" he says. "I would have to get into the courthouse without getting arrested. I was very nervous because there's police all over. It feels like we've been punished already."

For some, the prosecutions are having a counter-effect. "The way the police and DA have treated me and other activists is radicalizing us," says Chris. "I was only peripherally involved in the Occupy Movement—now I'm going to lots more meetings."

The labeling of occupiers as "anarchists" has also played out in media and legal framing of the case. On page 126 of police reports regarding the River Street occupation is a request for "priority processing" of fingerprints taken from the occupied building, with this reason given: "Anarchist protestors still in the city."

"They use 'anarchist' as a label that allows them to take aggressive steps," says Chris. "It would be harder for them to say, 'concerned community members took over an empty space.'"

A Knock On The Door

Terri camped at Occupy Santa Cruz for two months after becoming homeless. "I was sleeping in the cold," she says, "and here's this warm building that's been empty for three years and has electricity and water. There was a kitchen upstairs with a stove, microwave, fridge — everything."

Terri was arrested on February 8. "There was a knock on the door," she says. "I opened it and there's three sheriffs. I said, 'My mom and I are going to the courthouse now. Please let me turn myself in.' They said, 'Nope.'"

She was in jail for seven hours. "They wouldn't feed me or give me water."

"I already have money troubles and my mom got diagnosed with cancer. Now I'm facing felony charges," Terri explains. "Bottom line: I tried to commit suicide ... The emotional stress is way more than you could expect."

Another activist, who was arrested while making breakfast, says: "I never entered the building. The people charging me are misusing authority." She spent one night in jail. "I appeared before the judge in shackles. I was treated like a dangerous criminal. This is punishment prior to trial."

The Morning After

Seven hours after city police took over the vacant bank, ending the three-day occupation, the tent camp at San Lorenzo Park was raided by sheriff's deputies. Later that day, the Occupy Santa Cruz general assembly included a discussion of the bank takeover, with anger, empathy, solidarity and other feelings expressed. Probably the understatement of the day regarding the vacant bank occupation was, "Perhaps it was not fully thought out."

"Occupy Santa Cruz didn't approve of that action ... When it ended yesterday evening peacefully, we were delighted," one longtime OSC says.

Others blamed the occupation for that morning's raid of the camp. Through various interviews with those there at the time, one woman reportedly scorned: "Your impatience has had drastic results."

Another longtime Occupy activist said, "There's a whole raft of reasons why what was done at 75 River Street is a great idea. Sure, it was illegal, but what's more important is the illegitimacy of the political economy."

And another Occupy activist commented, "Occupy Santa Cruz is a protest of the 99 percent versus the 1 percent. Taking a bank is a good way to highlight the principles of this movement."

According to first-hand accounts, that morning a man in a wheelchair rolled by the once-again empty bank and commented on the building occupation: "They had an interesting theory behind their trespass. As wacky as it was, I kind of liked it ... It's the empty bank on the corner. It's of no use, so why not occupy it?"

After the occupation, the masked man from the barricade is looking to the future. "We learned we could occupy something," he says. "We're going to take that same zeal and energy that we showed taking that bank and we're going to help defend people's houses. That's one of the things we're about — it's in our name: Occupy."

** (Answer: Z faces charges. X does not.)*

Some names were changed in this article.

John Malkin is a local journalist and musician in Santa Cruz. This article is reprinted with the kind permission of *Good Times*, a weekly newspaper in Santa Cruz. See http://www.gtweekly.com

Conspiracy to Commit Journalism

"I was there as a photojournalist. The charges are unfounded."

Those are the words of Bradley Stuart Allen, who attended the UC Santa Cruz social documentation program from 2006 to 2008. "I've been documenting demonstrations and other events in the community," he says. Allen is one of 11 charged in the 2011 vacant bank occupation.

Former Santa Cruz Mayor Mike Rotkin testified on Allen's behalf at a recent preliminary hearing. "He's a journalist. It doesn't make sense that they popped him," says Rotkin. "He's no different than the *Sentinel* photographer that went into the bank. Neither of them should have been arrested."

Allen has support from the National Press Photographers Association, Reporters Committee for a Free Press, Society of Professional Journalists, and civil rights photographer Bob Fitch.

Allen adds, "I had no foreknowledge there was going to be an occupation of a building. I showed up to an event as a photojournalist."

Attorneys for Allen and Alex Darocy, also among the 11 being charged, have argued that the two visited the occupation as journalists.

Assistant DA Rebekah Young says they, "... have no immunity as a reporter for being prosecuted for trespass laws."

While some of the 11 may have been inside the occupied building, no evidence has yet directly connected any to acts of vandalism.

"They're not actually doing an investigation and getting the people who did the damage," says Allen, whose day job as a substitute teacher has suffered since being charged. He surmises, "The police are targeting individuals and putting them through a tremendous burden. The real conspiracy is against specific activists."

— by John Malkin



Gabriella Ripley-Phipps is tackled to the ground and arrested when she protested the crushing of the Occupy Santa Cruz encampment. Photo by Bradley Stuart



Bradley Stuart Allen celebrates dismissal of all charges outside the courtroom.

Chilling Crackdown on Santa Cruz 11

from page 1

However, Assistant District Attorney Rebekah Young refiled charges against two of those defendants.

Harsh and Selective Charges

The charges are unusually harsh, both nationally for similar occupations, and locally for Santa Cruz. This is the largest mass trial in Santa Cruz memory and the most serious for peaceful activists there.

The charges are so flimsy that none of them have stood up to preliminary hearings (required in felony cases before trial).

None of the testimony against the named defendants even suggested a prior conspiracy agreement. None of it showed any evidence of vandalism by the defendants personally. Even the lesser misdemeanor trespass charges required that those in the building be warned and given a chance to leave or that it be shown they "lodged" inside and weren't just observing.

The charges also seem selective. Police reported that former Santa Cruz Mayor Katherine Beiers was in the building. After months of silence, head District Attorney Bob Lee acknowledged on video that he didn't prosecute her because she "was trying to get you to leave" — an unsupported and irrelevant claim.

In an attack on the alternative media and the First Amendment, District Attorney Young argued that two of the Santa Cruz 11 — Alex Darocy and Bradley Allen, journalists for Santa Cruz Indymedia, an on-line news service — were "the media arm of the conspiracy." Young claimed they "advertised the occupation" and cited their "special access" to the building as evidence.

Indeed, six of the 11 charged were journalists of one sort of another — high-profile critics of the Santa Cruz Police Department, Santa Cruz City Council, and other local authorities. It seemed to some most convenient to tie up six writer/photographers in months and months of court hearings. Four still face felony charges.

Though defendants had great difficulty in securing the SCPD video tapes of the three-day Occupation (and perhaps never did fully), the tapes and reports indicate very little police investigative work. Police never attempted to enter the building after the first day of occupation. Though they posted video clips and asked the community to identify and inform on the activists, there was little or no subsequent police follow-up.

Turning Protest into Crime: The Aiding and Abetting Gambit

Unable to show that the defendants actually trespassed or vandalized, District Attorney Young claims that in being at the occupation, the defendants "aided and abetted" those who actually did trespass or vandalize — whom the police failed to even identify, cite, or arrest.

This requires proving various elements in order to make the district attorney's legal case. The prosecution must show that the defendants (1) knew the perpetrator intended to commit trespass; (2) intended to aid and abet the perpetrators; and/or (3) in words or conduct did aid or abet the perpetrators.

So far, Judge Burdick has found that none of the elements have been shown sufficiently to forward the cases to trial. District Attorney Young, undaunted, has refiled two of the cases and moved (unsuccessfully) to disqualify Burdick.

Burdick will confront these questions again when the seven defendants and their seven lawyers show up in the mass preliminary hearing. District Attorney Lee insists that this and the 20 other hearings aren't costing the county any more money or resources. Defendants claim the tab is over $100,000 in taxpayer funds, not to mention burdening other prosecutions of real crimes.

Homeless Punished for Occupying Bank — Repression Intensifies

The day after the building was occupied (by an autonomous group not claiming specific affiliation with Occupy Santa Cruz), authorities compressed the homeless encampment across the river, thereby reducing its size by two-thirds in violation of a prior agreement. This restriction crowded the community severely.

Four days after occupiers of the building left the bank quietly without incident or arrest (and apparently without police observation), dozens of police in military formation moved to crush the reduced homeless campground entirely.

The paramilitary force drove 150-200 activists and homeless folks into the bushes. This action destroyed tents, compacted homeless property, and created 100-200 refugees without shelter, who had previously found food, shelter, community, sanctuary, and purpose there. Several activists who objected were arrested and held on high bail before charges were mysteriously dismissed a day later.

Occupy Santa Cruz activists who marched on the City Hall offices to demand an explanation were blocked by Police Chief Kevin Vogel and a line of riot police who threatened arrests, and surrounded and harassed photographers, backed by dozens of cops bivouacked nearby.

At about the same time, new "No Trespassing 7 PM to 7 AM" signs appeared around the County Building where Occupy Santa Cruz had set up tents and a blue "Occu-dome" as part of their ongoing protest. Citations and arrests began shortly thereafter for trespass.

Sheriff's deputies dismantled and destroyed the dome and forced the removal of the dozen tents set up there to provide medical help, information, food, and other community support.

Dormant Real Estate Versus Human Lives

Becky Johnson, a longtime homeless activist/journalist and one of the Santa Cruz 11 wrote: "I never entered the building, but have already been handcuffed and removed from my home while cooking breakfast for my ex-husband, who is recovering from cancer, and jailed for a day. I was shackled, and brought before [Judge] Symons — the same judge who signed the warrant for my arrest, with its baseless charges.

"Now, due to pending felony charges I am unable to earn a living and my landlord has changed his mind about renewing my lease — all punishment prior to conviction, and apparently, the point."

Johnson has written articles on her blog that are critical of District Attorney Bob Lee and Judge Ariadne Symons.

Even worse, Desiree Foster, the youngest defendant at only 19 years old, attempted suicide shortly after she was charged. Foster is the caretaker for her mother who is undergoing chemotherapy treatment, and her family was already financially stricken. Fortunately, the Santa Cruz 11 held a fund-raiser to aid Foster and her family.

Foster, Johnson, Brent Adams, Gabriella Ripplyphipps, Franklin Alcantara, Cameron Laurendau, and I will be returning to court on August 20 to seek dismissal of the charges in a preliminary hearing.

Outrageous Prosecutions and the Broader Picture

District Attorney Bob Lee has indicated in an unusual (and some say highly improper) exchange with activists that his office is seeking to wring $30,000 in "restitution" money from them, even though the group is poor and partially homeless.

Perhaps the purpose is to terrify the defendants into producing more names of wealthier participants whom the district attorney can squeeze for money. This "quest for cash" has led some to call Lee the "bankster bagman for Wells Fargo."

Six of the 11 charged were journalists of one sort of another — high-profile critics of the SCPD, Santa Cruz City Council, and other local authorities. The trial and repeated hearings (more than 15 so far) diverted six writer/photographers from covering other stories as well as chilled other Occupy activists for fear their presence at protests would later be charged (however falsely) as felonies.

Even more insidious was the repressive impact of the subsequent Santa Cruz 11 prosecutions on Occupy Santa Cruz and homeless civil rights movements.

Occupy Santa Cruz abandoned its 24-hour campsite and the numbers attending its meetings dropped drastically. Activists contesting the designation of the homeless campsite as a "public nuisance" abandoned their lawsuit. After the February raids, longtime activists and new Occupy Santa Cruz recruits grew fearfully silent to avoid any hint of involvement and entanglement in life-hobbling felony prosecutions. Occupy participation shrank to conventional lobbying activity.

The abusive assertion of power by the police and district attorney has had other consequences. Activist attorney Ed Frey is being sent to jail in August on a six-month sentence for a peaceful homeless protest. Gary Johnson received a two-year suspended sentence for sleeping on a bench outside the courthouse with a "Sleep Is Not a Crime" sign.

Police have begun systematically cracking down on survival homeless campsites throughout Santa Cruz, publicizing a "snitchline" where those who regard homeless people as garbage obstructing their view of the beach can call and alert "disposal squads." Each week the police publish a weekly tally on their website.

"Chalky Smogster" another of the Santa Cruz 11, who prefers to remain anonymous, contributed to this article.

More on This Story
For an inside view of this protest in Santa Cruz, see page 5 article: *"How Wells Fargo Occupation Led to Felony Charges."*

Those interested in these cases should check the SC-11 support website at www.santacruzeleven.org. Other blogs covering the case include www.indybay.org/santacruz and http://www.beckyjohnsononewomantalking.blogspot.com/search/label/Santa%20Cruz%20Eleven .

The legal cases of Ed Frey and Gary Johnson are covered at www.fullspectrumdemocracy.org, http://www.peacecamp2010.blogspot.com/, and http://peacecamp2010insider.blogspot.com/.

Activist and *Street Spirit* writer Linda Lemaster also faces 6 months in jail for "illegal lodging" with the PC2010 group. Her blog can be found at http://hearthbylinda.blogspot.com/.